

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 337 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

- 1 Page 2, line 23, delete "(3, 200)" and insert "(3,200)".
- 2 Page 2, line 28, delete "(3, 200)" and insert "(3,200)".
- 3 Page 6, between lines 21 and 22, begin a new paragraph and insert:
- 4 "SECTION 5. IC 36-1-12.5-1 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this
- 6 chapter, "energy conservation measure" means a school facility
- 7 alteration or an alteration of a structure (as defined in IC 36-1-10-2)
- 8 designed to reduce energy consumption costs or other operating costs,
- 9 including the following:
- 10 (1) Providing insulation of the school facility or structure and
- 11 systems within the school facility or structure.
- 12 (2) Installing or providing for window and door systems,
- 13 including:
- 14 (A) storm windows and storm doors;
- 15 (B) caulking or weatherstripping;
- 16 (C) multi-glazed windows and doors;
- 17 (D) heat absorbing or heat reflective glazed and coated
- 18 windows and doors;
- 19 (E) additional glazing;
- 20 (F) the reduction in glass area; and
- 21 (G) other modifications that reduce energy consumption.
- 22 (3) Installing automatic energy control systems.
- 23 (4) Modifying or replacing heating, ventilating, or air

conditioning systems.

(5) Unless an increase in illumination is necessary to conform to Indiana laws or rules or local ordinances, modifying or replacing lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility or structure.

(6) Providing for other energy conservation measures that reduce energy consumption or reduce operating costs, **including future labor, contracted services, and related capital expenditures.**

SECTION 6. IC 36-1-12.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The governing body may enter into an agreement with a public utility to participate in a utility energy efficiency program or enter into a guaranteed energy savings contract with a qualified provider to reduce the school corporation's or the political subdivision's energy consumption costs or operating costs if, after review of the report described in section 6 of this chapter, the governing body finds:

(1) that the amount the governing body would spend on the energy conservation measures under the contract and that are recommended in the report is not likely to exceed the amount to be saved in energy consumption costs and other operating costs over ten (10) years from the date of installation if the recommendations in the report were followed; and

(2) in the case of a guaranteed energy savings contract, the qualified provider provides a written guarantee as described in subsection (d)(2).

(b) Before entering into an agreement to participate in a utility energy efficiency program or a guaranteed energy savings contract under this section, the governing body must publish notice under subsection (c) indicating:

(1) that the governing body is requesting public utilities or qualified providers to propose energy conservation measures through either a utility energy efficiency program or a guaranteed energy savings contract; and

(2) the date, the time, and the place where proposals must be received.

(c) The notice required by subsection (b) must:

(1) be published in two (2) newspapers of general circulation in the county where the school corporation or the political subdivision is located;

(2) be published two (2) times with at least one (1) week between publications and with the second publication made at least thirty (30) days before the date by which proposals must be received; and

(3) meet the requirements of IC 5-3-1-1.

(d) An agreement to participate in a utility energy efficiency

1 program or guaranteed energy savings contract under this section must  
 2 provide that:

3 (1) all payments, except obligations upon the termination of the  
 4 agreement or contract before the agreement or contract expires,  
 5 may be made to the public utility or qualified provider (whichever  
 6 applies) in installments, not to exceed the lesser of ten (10) years  
 7 or the average life of the energy conservation measures installed  
 8 from the date of final installation; and

9 (2) in the case of the guaranteed energy savings contract:

10 (A) the savings in energy and operating costs due to the energy  
 11 conservation measures are guaranteed to cover the costs of the  
 12 payments for the measures; and

13 (B) the qualified provider will reimburse the school  
 14 corporation or political subdivision for the difference between  
 15 the guaranteed savings and the actual savings; and

16 (3) payments are subject to annual appropriation by the fiscal  
 17 body of the school corporation or political subdivision and do not  
 18 constitute an indebtedness of the school corporation or political  
 19 subdivision within the meaning of a constitutional or statutory  
 20 debt limitation.

21 (e) An agreement or a contract under this chapter is subject to  
 22 IC 5-16-7.

23 **(f) The governing body may not enter into an agreement or**  
 24 **stipulate as to savings under the agreement without appropriate**  
 25 **architectural, engineering, or accounting studies."**

26 Renumber all SECTIONS consecutively.

(Reference is to ESB 337 as printed April 6, 2001.)

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Representative Hasler



Adopted

Rejected

# COMMITTEE REPORT

MR. SPEAKER:

Your Committee of One, to which was referred Engrossed Senate Bill 337, begs leave to report that said bill has been amended as directed.

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Representative Hasler